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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,248	07/19/2001	Biswa R. Banerjee	11465/491	9312

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Patent Administrator
Suite 1600
525 West Monroe Street
Chicago, IL 60661-3693

EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 09/12/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,248

Applicant(s)

BANERJEE ET AL.

Examiner

Jeffery A. Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/12/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/12/03 has been entered. Claims 1 and 6 have been amended by this submission.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. At line 17 "said passive stylus" lacks antecedent basis in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCain, U.S. Patent No. 5,309,351, in view of applicants admission of Pen Windows.

This reference with an effective filing date of October 27, 1988 describes a portable touch screen display which uses an infrared link as a connection to a host computer implemented with either a satellite node or a local computer having appropriate wireless node capability (column 7 lines 2-3 and column 6 line 65 to column 7 line 10). The host computer performs application processing with selectable multiple applications (column 9 lines 27-60 and column 7 lines 4-10) and provides display information to the portable touch screen display via the infrared link. Especially note column 7 lines 30-33 and lines 58-60 and column 9 lines 46-47 and column 10 lines 41-46 which describes a portable unit constructed of a minimum of parts with limited processing capability.

Applicant amended independent claims 1 and 6 to claim *a pen mode and a mouse mode and including means for monitoring pen down events of a passive stylus and emulating the movement of a mouse and the clicking of a mouse button in the mouse mode.*

Applicant states that RC Manager 350 is the Recognition Context Manager module of Pen Windows and the description of RC Manager 350 in the last paragraph on page 20 of applicants specification describes this Pen Windows manager as determining the pen mode and mouse mode. In the paragraph spanning pages 11 and 12 a passive stylus is admitted to be used in the Pen Windows system.

Thus, the limitations added to independent claims 1 and 6 is admitted prior art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the touch sensitive scheme of McCain in view of the Pen Windows standard because McCain states at column 9 lines 2-3 that other touch sensitive schemes may be used, thus, McCain is stating that known touch sensitive schemes, such as Pen Windows, may be used in McCain's system since it is cheaper to use commercial off the shelf software than to develop custom software.

A detailed analysis of the claims follows.

Claim 1:

Pending claim 1	McCain, U.S. Patent No. 5,309,351
1 . (Currently Amended) A mobile user interface device for interfacing with a remote host computer having a wireless interface, comprising:	Hand held units 60, 61 are mobile units that interface with a host computer having a wireless interface; satellite units 10, 20, 55 and the local PC 53 are the host computer's wireless interface to the hand held units. See figure 3, column 3 line 65 to column 4 line 31 and column 6 line 56 to column 7 line 10.
a graphical display subsystem including a graphical display for displaying an image;	Figure 4 illustrates the hand held unit as having a graphical display subsystem (LCD controller 35) that is for displaying images on the graphics display device, LCD screen 36, column 8 lines 6-20.

<p>an input subsystem including a stylus for receiving from a user, positional data representing spatial positions of said stylus;</p>	<p>Figure 4 illustrates the hand held unit as having an input device, touch scanner 39 column 8 lines 6-9, together the display and touch scanner form a touch sensitive screen, column 8 line 9. The touch sensitive screen requires a stylus such as a pen or finger to touch the touch sensitive screen in order for the user to select graphic key pads, menu items, text, or graphic figures, column 8 lines 10-20.</p>
<p>a wireless communication subsystem for establishing a wireless communications link directly with said remote host computer for sending data to and receiving data from said remote host computer over a wireless communication link; and</p>	<p>The hand held unit's wireless subsystem 42 establishes wireless communications with the remote host computer for sending data to the host computer and for receiving data from the host computer. Column 6 line 56 to column 7 line 10. McCain teaches establishing a wireless communications link directly from the hand held unit to the wireless receiver of the host computer. The wireless receiver of the host computer is satellite 55, column 6 lines 15-35 and line 56 to column 7 line 10. Thus, McCain teaches establishing a wireless communications link directly from the hand held unit to the host computer.</p>
<p>a controller for controlling operations of said graphical display subsystem, said input subsystem and said wireless communication subsystem, said controller</p>	<p>The hand held unit's processor 31 controls functions of the hand held unit, column 7 lines 38-40. The functions controlled are inherently the display subsystem 35, the input subsystem 39 and the wireless subsystem 42.</p>
<p>(i) causing said wireless communication to be created;</p>	<p>Processor 31 causes wireless communication between the hand held unit and the host computer, column 7 lines 52-54.</p>
<p>(ii) causing said application program to be run on said remote host computer;</p>	<p>Processor 31 causes the application program to be run on the host computer by sending data in response to user selection of a menu item, column 6 line 56 to column 7 line 10.</p>

(iii) receiving from said input subsystem said positional data,	Processor 31 receives positional data corresponding to the location the user touched on the touch sensitive scanner 39.
providing a response to said user in acknowledgement of said positional data,	Processor 31 provides a response to the user after positional data has been received in response to the user touching a display item, column 8 lines 14-20.
and transmitting over said wireless communication link from said application program data representing said image, and	The host computer transmits screens of images to the hand held terminal, column 7 lines 6-15.
causing said graphical display subsystem to display said image on said graphical display,	Processor 31 causes the LCD control 35 to display images on display 36 in response to the received screens.
said input subsystem having a pen mode and a mouse mode and including means for monitoring pen down events of a passive stylus and emulating the movement of a mouse and the clicking of a mouse button in the mouse mode.	Applicant states that RC Manager 350 is the Recognition Context Manager module of Pen Windows and the description of RC Manager 350 in the last paragraph on page 20 of applicants specification describes this Pen Windows manager as determining the pen mode and mouse mode. In the paragraph spanning pages 11 and 12 a passive stylus is admitted to be used in the Pen Windows system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the touch sensitive scheme of McCain in view of the Pen Windows standard because McCain states at column 9 lines 2-3 that other touch sensitive schemes may be used, thus, McCain is stating that known touch sensitive schemes, such as Pen Windows, may be used in McCain's system since it is cheaper to use commercial off the shelf software than to develop custom software.

Claim 6:

Pending claim 6	McCain, U.S. Patent No. 5,309,351
6. (Twice Amended) A computer system comprising:	The hand held units, local PCs and host computer are a computer system.
A hand-held interface device comprising	Hand held unit 17, 60, 61.
(i) a display device;	Figure 4 illustrates the hand held unit as having a display device, LCD screen 36c column 8 lines 7 and 25.
(ii) an input device;	Figure 4 illustrates the hand held unit as having an input device, touch scanner 39 column 8 lines 6-9, together the display and touch scanner form a touch sensitive screen, column 8 line 9
(iii) a wireless receiver and transmitter circuit for transmitting data from said input device to an application program running on a remote host computer and	The wireless interface circuit 42 is a wireless receiver and transmitter circuit, column 7 lines 52-54, that transmits data from the input device to an application running on a remote host computer, column 6 line 56 to column 7 line 37 and column 7 lines 61-68.
receiving a response to said data from said application program running on said remote host computer; and	The hand held unit's wireless interface circuit 42 receives data from the application program running on the host computer, column 7 lines 6-10.
(iv) a controller for providing an image on said display device said controller being operable in a pen mode and a mouse mode and including means for monitoring pen down events of a passive stylus and emulating the movement of a mouse and the clicking of a mouse button in the mouse mode; and	The received data from the host computer is displayed on the LCD screen, column 7 lines 6-10. Applicant states that RC Manager 350 is the Recognition Context Manager module of Pen Windows and the description of RC Manager 350 in the last paragraph on page 20 of applicants specification describes this Pen Windows manager as determining the pen mode and mouse mode. In the paragraph spanning pages 11 and 12 a passive stylus is admitted to be used in the Pen Windows system. It would have been obvious to one of ordinary skill in the art at the time the

	Continuation of previous page invention was made to modify the touch sensitive scheme of McCain in view of the Pen Windows standard because McCain states at column 9 lines 2-3 that other touch sensitive schemes may be used, thus, McCain is stating that known touch sensitive schemes, such as Pen Windows, may be used in McCain's system since it is cheaper to use commercial off the shelf software than to develop custom software.
a remote host computer having a wireless receiver and transmitter circuit for communication with said hand held interface; and	The host computer has a wireless receiver and transmitter circuit at the satellite or the local PC. Column 6 line 68 to column 7 line 3.
(ii) means for modifying said image.	The host computer modifies the image by sending screens of data which show the status of the application program running on the host computer and which request data input, column 7 lines 6-10.

Claim 7:

Pending claim 7	McCain, U.S. Patent No. 5,309,351
7. (Twice Amended) A computer system as recited in claim 6,	
wherein said wireless receiver and transmitter circuit is configured to be accessed by said remote host computer as a shared resource on a local area network.	The satellite units 10, 20, 55 and the local PC 53 are a shared resource on a local area network accessed by the host computer. See figure 3, column 3 line 65 to column 4 line 31 and column 6 line 68 to column 7 line 3. Network #1 and network #2 are local area networks. Satellite 55 is connected to network #1, column 4 lines 3-6. Column 2 line 60 describes Ethernet, MAP and token ring networks.

Response to Arguments

6. Applicant's arguments filed 08/12/03 have been considered but they are deemed not to be persuasive in view of the new grounds of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

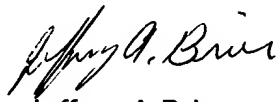
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


Jeffery A Brier
Primary Examiner
Art Unit 2672